

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CECILIA PERRY, <i>et al.</i> , on Behalf of All)	
Beneficiaries, Pursuant to §537.080, RSMo.,)	
)	
Plaintiffs,)	
v.)	Cause No: 4:17-CV-00981-RLW
)	
THE CITY OF ST. LOUIS, <i>et al.</i> ,)	
)	
Defendants.)	

SECOND MOTION FOR ADDITIONAL TIME TO COMPLETE SETTLEMENTS

Plaintiffs Cecilia Perry, *et al.*, respectfully move the Court for a second extension of their deadline to finalize the settlements with Defendants City of Jennings and Kent Menning, from October 3, 2022, up to and including December 2, 2022. In support of this motion, Plaintiffs state as follows:

1. On July 5, 2022, Plaintiffs, Defendant City of Jennings, and Defendant Kent Menning filed a joint memorandum informing the Court that Plaintiffs' claims against Defendants City of Jennings and Kent Menning had been resolved and asking that the proceedings as to those parties be stayed while the settlement details were finalized. (ECF No. 238).

2. On July 5, 2022, the Court entered an order staying the proceedings, including the pending summary judgment motions, as to Plaintiffs' claims against Defendants City of Jennings and Kent Menning. (ECF No. 239). The order also required that Plaintiffs, Defendant City of Jennings, and Defendant Kent Menning file a stipulation for dismissal, motion for leave to voluntarily dismiss, or a proposed consent judgment within 30 days of the Court's order – i.e., on or before August 4, 2022. (ECF No. 239).

3. On August 4, 2022, Plaintiffs filed a motion to extend the deadline for filing the required settlement documents with the Court. At that time, Plaintiffs pointed to the complications

involved in setting up the settlements for the four minor children who are plaintiffs in this action and indicated that an extension of 60 days would potentially be sufficient to address these complications, although additional time might be necessary. [ECF No. 260].

4. On August 5, 2022, the Court granted Plaintiffs' motion, extending the deadline for filing settlement documents from August 4, 2022, to October 3, 2022. [ECF No. 261].

5. Plaintiffs' counsel has continued to work diligently with Plaintiffs' Next Friend and with third-parties to identify and establish the financial frameworks that will best ensure that the settlement assets are directed only to the minor children and are protected from improper use by others. This includes structured settlements, trust accounts, and combinations of the same.

6. Despite Plaintiffs' best efforts, however, these efforts still are not yet completed. Based on the status of these efforts, Plaintiffs state that, although everything will likely be resolved sooner, an additional 60 days will ensure that all necessary items are completed and that the parties are able to bring this matter before the Court for final approval.

7. This motion is not being made for purposes of delay but instead to make sure that the disposition of the settlement assets is done correctly, in compliance with all applicable laws, and in a manner that will ensure that the best interests of the minor children are protected.

WHEREFORE Plaintiffs respectfully pray for an order from the Court granting them up to and through December 2, 2022, to finalize the settlements with Defendants City of Jennings and Kent Menning, and for such other and further relief as the Court deems just and proper based on the circumstances presented.

Respectfully submitted,

/s/ Todd R. Nissenholtz

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CERTIFICATE OF SERVICE

I hereby certify that, on October 3, 2022, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system on counsel of record for all parties to this action.

/s/ Todd R. Nissenholtz